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6 **UNITED STATES DISTRICT COURT**
7 **DISTRICT OF ARIZONA**

8 United States of America,) Mag. No. 08-0230M
9)
10 Plaintiff,)
11 vs.) **ORDER RE: EXTENDING TIME**
12 Jose Ortiz-Castro,) **TO INDICT**
13)
14 Defendant.)
_____)

15
16 **HAVING** considered Defendant Jose Ortiz-Castro's Motion to Extend Time
17 to Indict and good cause having been shown;

18 **THE COURT** makes the following findings:

- 19 1. Counsel for defendant has only recently been appointed;
- 20 2. The defendant earnestly wishes to consider the plea offer extended by the
21 government;
- 22 3. The defendant wishes to investigate possible defenses prior to
23 considering the government's plea offer;
- 24 4. The government's plea offer, if accepted by the defendant and then the
25 Court, would likely reduce defendant's exposure to a significant term of
26 imprisonment;
- 27 5. If the defendant does not timely accept the plea offer prior to
28 indictment, the government will withdraw said plea offer and any

1 subsequent plea offer after indictment would likely be less advantageous
2 to the defendant;

3 6. Failure to extend time for indictment in this instance would thus operate
4 to bar defendant from reviewing the government's plea offer in a
5 meaningful way prior to indictment; and

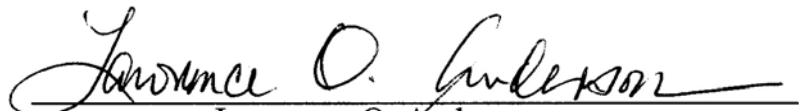
6 7. The ends of justice served by this continuance outweigh the best interest
7 of the public and the defendant in a speedy indictment.

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9 The Court therefore concludes that the ends of justice are best served by
10 granting an extension of time to present the case to the grand jury and in excluding
11 a period of thirty (30) days under the Speedy Trial Act. In making this
12 determination, the Court has particularly taken into account that the failure to grant
13 the Defendant's request "would deny counsel for the defendant . . . the reasonable
14 time necessary for effective preparation, taking into account the exercise of due
15 diligence." 18 U.S.C. § 3161(h)(8)(B)(iv).

16 **IT IS HEREBY ORDERED** that defendant's Motion to Extend Time for
17 Indictment requesting an extension of thirty (30) days within the government may
18 seek to indict defendant, is hereby granted.

19 **IT IS FURTHER ORDERED** that pursuant to the Speedy Trial Act, 18
20 U.S.C. § 3161, the Government shall have an extension of thirty (30) days to file a
21 timely Indictment. Excludable time shall begin to run on the 31st day after arrest
22 for a period of thirty (30) days in which the Government may present the case to the
23 grand jury.

24 DATED this 27th day of June, 2008.

25
26 
27 Lawrence O. Anderson
28 United States Magistrate Judge